

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 1:19-CR-10117-IT-7
)	
AGUSTIN FRANCISCO HUNEEUS,)	
)	
Defendant.)	
)	

**ASSENTED-TO MOTION FOR LEAVE TO FILE UNDER SEAL EMERGENCY
MOTION TO MODIFY SENTENCE**

Pursuant to Local Rule 7.2 for the U.S. District Court for the District of Massachusetts, Agustin Francisco Huneeus (“Huneeus”) respectfully moves for permission to file under seal his Emergency Motion To Modify Sentence. Counsel for the government has informed undersigned counsel that it assents to this motion.

The Emergency Motion To Modify Sentence contains personal health information about Huneeus that is of a highly sensitive nature. Specifically, sealing is necessary to protect confidential information regarding the private protected health information and sensitive personal information concerning Huneeus. Huneeus requests that this information remain sealed until further order of the Court.

Local Rule 7.2 permits a party to file a motion to seal or impound certain materials. If the moving party files a statement supported by good cause, the Court may seal the material until further order. *See* Local Rule 7.2(a). In evaluating whether to seal judicial records, courts weigh the public’s presumptive right of access to judicial records with any “[i]mportant countervailing interests” that can “overwhelm the usual presumption and defeat access.” *See United States v. Kravetz*, 706 F.3d 47, 59 (1st Cir. 2013) (quoting *Siedle v. Putnam Invs., Inc.*,

147 F.3d 7, 10 (1st Cir. 1998)).

The privacy rights of defendants constitute significant countervailing interests that can overcome the presumption of access. *See Kravetz*, 706 F.3d at 62-64; *In re Boston Herald, Inc.*, 321 F.3d 174, 190 (1st Cir. 2003). Courts analyzing whether privacy interests overcome the presumption of access “consider the degree to which the subject matter is traditionally considered private rather than public.” *Kravetz*, 706 F.3d at 62 (quoting *In re Boston Herald, Inc.*, 321 F.3d at 190). If the information at issue implicates traditionally private subjects, such as “family affairs, illnesses [or] embarrassing conduct with no public ramifications,” privacy interests will “weigh more heavily against access.” *Kravetz*, 706 F.3d at 62 (quoting *United States v. Amodeo*, 71 F.3d 1044, 1051 (2d Cir. 1995)).

Medical information is “universally assumed to be private, not public.” *Kravetz*, 706 F.3d at 63 (quoting *In re Boston Herald*, 321 F.3d at 190); *see also United States v. Kravetz*, 948 F. Supp. 2d 89, 93 (D. Mass. 2013) (“privacy interest in her medical information outweighs the presumption of access”). The proposed information to be sealed here represents specific instances where the privacy interests of Huneus in his medical history clearly outweigh the presumption of public access.

CONCLUSION

The Emergency Motion To Modify Sentence that Huneus moves to seal includes highly sensitive information that, if disclosed, would cause severe injury to the privacy interests of Huneus. WHEREFORE, Huneus respectfully requests that the Court grant his motion to file under seal his Emergency Motion To Modify Sentence.

Respectfully submitted,

/s/ Jeremy M. Sternberg

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Counsel for Agustin Francisco Huneus

Dated: March 16, 2020

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I, Jeremy Sternberg, hereby certify that I have conferred with AUSA Karin Bell and that the government has assented to this motion.

/s/ Jeremy M. Sternberg

Jeremy M. Sternberg

CERTIFICATE OF SERVICE

I, John A. Canale, hereby certify that this document was filed on March 16, 2020, via the ECF system, and was sent electronically on that date to the parties' counsel of record and to United States Probation Officer Martha Victoria by e-mail.

/s/ John A. Canale

John A. Canale